



MISSISSIPPI ALCOHOL & DRUG COMMITMENT GUIDE

Mississippi Department of Mental Health
Alcohol and Drug Addiction Treatment
Admission Process

STEPS FOR ALCOHOL AND DRUG COMMITMENT

1

Before filing an affidavit for commitment, a pre-affidavit screening must be conducted by the Community Mental Health Center (CMHC).

The pre-affidavit screening must be completed **within 24 hours of the CMHC being notified.**

Mississippi Code 41-31-5

The pre-affidavit screening investigation includes an interview and investigation for the need for commitment.

To connect with your local CMHC for a screening, call their offices or their Mobile Crisis Response Team. Find that information at www.dmh.ms.gov, www.mentalhealthms.com, or by calling the DMH Helpline at 1-877-210-8513.

A pre-affidavit screening shall not be required if the individual to be committed is being treated in a licensed hospital with licensed acute psychiatric beds and has already had two (2) qualified professional evaluations, provided that the licensed hospital notifies the community mental health center that the individual is in the hospital at least twenty-four (24) hours before filing the affidavit.

Mississippi Code 41-31-5(1)(f)

2

If commitment is recommended, the pre-affidavit screener submits a report to the chancery clerk certifying that a less restrictive alternative treatment was considered and why it is not appropriate. **The pre-affidavit screener shall refuse to support the filing of an affidavit if evidence does not support commitment.**

Mississippi Code 41-31-5(1)(c) & 41-31-5(1)(d)

If a commitment is not recommended, the pre-affidavit screener shall provide the prospective petitioner with connection to other alternative services and resources. If the interested person wishes to proceed with commitment contrary to the pre-affidavit screener's recommendation, application may be made to the chancellor.

Mississippi Code 41-31-5(1)(d) & 41-31-5(1)(e)

3

File an affidavit for commitment in the chancery clerk's office where the person resides or is currently located. Pay a filing fee up to \$150, including all fees and assessments, to commence the proceeding.¹

Under Mississippi State law, no attorney is required for this process.

Mississippi Code 41-31-3(4)

The affidavit must state specifically that a less restrictive alternative treatment was considered and specify why it is not appropriate.

Mississippi Code 41-31-5(1)(c)

- 4 The judge will set a date for a hearing, which will be held in no less than 5 days and no more than 20 days.
Mississippi Code 41-31-5(2)
- 5 The person in need of treatment will be served with a notice of the hearing and a copy of the affidavit no less than 3 days before the hearing.
Mississippi Code 41-31-5(2)
- 6 If the person does not have an attorney, then the judge will appoint one before the hearing.
Mississippi Code 41-31-5(3)
- 7 At the hearing, the judge will hear evidence with or without the presence of the person in need of treatment. All interested parties have the right to appear at the hearing and present evidence regarding the need for treatment.
Mississippi Code 41-31-5(4)
- 8 At his/her discretion, the judge may require the person allegedly in need of treatment to be examined by a physician.
Mississippi Code 41-31-5(4)
- 9 If the judge finds the person does need treatment, the judge may order that person to the proper state program for a period of not less than 30 days and no more than 90 days. The judge may order commitment to a private treatment facility, if adequate financial arrangements have been made, for a period of no more than eight months, with commitment to an inpatient facility for no more than two months, and an outpatient facility for no more than six months, subject to earlier release by the facility.
Mississippi Code 41-31-5(5), 41-33, & 41-32-5
- 10 The judge may order outpatient treatment as an alternative to inpatient treatment. If the person ordered to outpatient treatment fails or refuses to comply, and that failure is documented with the court by affidavit, a judge may order the person to an inpatient treatment program.
Mississippi Code 41-31-5(6)(a-b)
- 11 The person may file a written request for a hearing within 10 days of the commitment order to inpatient treatment.
Mississippi Code 41-31-5(6)(c)
- 12 DMH Behavioral Health Program: A chancery court sends an individual's required legal documents to the state hospital's admission office. Admissions are scheduled when a bed is available.

A person can also be referred to a Community Mental Health Center in his or her area for residential treatment.
- 13 The court will maintain jurisdiction over people committed to both inpatient and outpatient programs for one year after their completion of the ordered treatment programs.
Mississippi Code 41-31-18

¹ The chancery clerk may charge a total filing fee for all services equal to the amount set out in Section 25-7-9(o), and the appropriate state and county assessments as required by law which include, but are not limited to, assessments for the Judicial Operation Fund (Section 25-7-9 (3)(b)); the Electronic Court System Fund (Section 25-7-9 (3)(a)); the Civil Legal Assistance Fund (Section 25-7-9 (1)(k)); the Court Education and Training Fund (Section 37-26-3); State Court Constituent's Fund (Section 37-26-9 (4)); and a reasonable court reporter's fee. Costs incidental to court proceedings as set forth in Section 41-21-79 may not be included as assessments. The chancery clerk's office can provide specific eligibility requirements and instructions to file a Pauper's Oath if you are unable to pay the filing fee.

HOW TO GET HELP

Call the DMH Helpline, visit www.dmh.ms.gov, or visit www.mentalhealthms.com for information about mental health services and supports near you. Local CMHCs provide a range of community services that can divert someone from inpatient services, such as Mobile Crisis Response Teams, Crisis Stabilization Beds, and more.

FOR MORE INFORMATION OR TO LOCATE YOUR LOCAL COMMUNITY MENTAL HEALTH CENTER:

Mississippi Department of Mental Health
mentalhealthms.com | dmh.ms.gov | 24-Hour Helpline 1-877-210-8513

